

REMARKS

In view of the amendments proposed above, Applicants respectfully request consideration of the following remarks.

Drawings

The Examiner requested corrected drawings in reply to the Office Action. Applicant has filed a set of formal drawings with this response.

Anticipation Rejections Under 35 U.S.C. § 102

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Anticipation Rejection Based on United States Patent 6,226,684 to Sung et al.

Claims 1, 2, 5, 13-21, 26-31, 39-42, 46-55, 59-64, and 72-75 were rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent 6,226,684 to Sung et al. (hereinafter "Sung"). Applicant has canceled claims 1, 2, 13-21, 26-31, 46-55, and 59-64; however, Applicant respectfully traverses this rejection with respect to claims 5, 39-42, and 72-75, as set forth below.

Claim 5

Claim 5, as amended, recites:

5. A system comprising:
a router having a port, the router coupled with a network;
a number of dispatchers coupled with the port, each of the dispatchers having a local dispatch table, wherein at least two of the dispatchers share a session entry identifying a client and a selected server; and
a plurality of servers, each of the plurality of servers coupled with each of the number of dispatchers;
wherein the router directs each communication received from the network to one of the number of dispatchers, the one dispatcher to determine which of the plurality of servers is to receive the communication.

Sung fails to disclose the claimed system. Note that, for the system taught by Sung, after a client (e.g., client 12) is assigned to a server (e.g., server 16) by one of the routers, the client then communicates directly with that server, bypassing the router entirely. *See, e.g.,* Sung, at Column 11, Lines 59-63, and FIG. 11.

As Sung fails to disclose at least the above-noted limitations of claim 5, claim 5 is patentable in view of Sung.

Claims 39-42 and 72-75

Claim 39, as amended, recites:

39. A method comprising:
receiving a packet at a router having a port coupled with a plurality of dispatchers, the packet including a connection request from a client;
transmitting the packet from the router to a first dispatcher of the plurality of dispatchers;

selecting a server from a plurality of servers coupled with the plurality of dispatchers;
placing a session entry in a local dispatch table of the first dispatcher, the session entry identifying the client and the selected server;
broadcasting a dispatch table update from the first dispatcher to all other dispatchers of the plurality of dispatchers, the dispatch table update identifying the client and the selected server;
transmitting the packet to the selected server;
receiving a second packet at the router from the client; and
transmitting the second packet from the router to a second dispatcher of the plurality of dispatchers, the second dispatcher to search a local dispatch table of the second dispatcher to identify the selected server and transmit the second packet to the selected server.

Claim 72, as amended, recites some limitations similar to those recited in independent claim 39 above.

As noted above, for the system taught by Sung, after a client (e.g., client 12) is assigned to a server (e.g., server 16) by one of the routers, the client then communicates directly with that server, bypassing the router entirely. *See, e.g.,* Sung, at Column 11, Lines 59-63, and FIG. 11.

As Sung fails to disclose at least the above-noted limitations of each of claims 39 and 72, these claims are patentable in view of Sung. Also, claims 40-42 and 73-75 are allowable as depending from novel independent claims 39 and 72, respectively.

Obviousness Rejections Under 35 U.S.C. § 103

To reject a claim or claims under 35 U.S.C. § 103, the Examiner bears the initial burden of establishing a prima facie case of obviousness. M.P.E.P. § 2142. When

establishing a prima facie case of obviousness, the Examiner must set forth evidence showing that the following three criteria are satisfied:

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references (or references when combined) must teach or suggest all the claim limitations. M.P.E.P. § 2143.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on the applicant's disclosure. M.P.E.P. § 2142 (citing *In re Vaeck*, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991)). Also, the evidentiary showing of a motivation or suggestion to combine prior art references "must be clear and particular." *In re Dembiczak*, 175 F.3d 994, 999, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999).

Obviousness Rejection Based on United States Patent 6,226,684 to Sung et al in View of United States Patent 6,496,510 to Tsukakoshi et al.

Claims 9, 10, 32-38, 44, 65-71, and 77 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sung in view of United States Patent 6,496,510 to Tsukakoshi et al. (hereinafter "Tsukakoshi"). Applicant respectfully traverses this rejection, as set forth below.

Claims 9 and 10

For the reasons set forth above, Sung fails to disclose all limitations of independent claim 5. Also, Tsukakoshi, either individually or in combination with Sung, fails to disclose all limitations of claim 5. If an independent claim is nonobvious, then any claim depending from the independent claim is also nonobvious. M.P.E.P. §2143.03 (citing *In re Fine*, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988)). Therefore, claims 9 and 10 are allowable as depending from nonobvious independent claim 5.

Claims 32-38 and 65-71

Claim 32, as amended, recites:

32. A method comprising:
receiving a packet at one dispatcher of a plurality of dispatchers, the plurality of dispatchers coupled with a plurality of servers;
searching a local dispatch table of said one dispatcher;
transmitting the packet from said one dispatcher to a server of the plurality of servers if the local dispatch table identifies the server; and
transmitting the packet from said one dispatcher to a locking dispatcher of the plurality of dispatchers if the local dispatch table includes a client lock,
the client lock indicating that communications received from the client are to be transmitted to the locking dispatcher until a server is selected for the client.

Claim 65, as amended, recites some limitations similar to those recited in independent claim 32.

Claim 35, as amended, recites:

35. A method comprising:
receiving a first packet at one dispatcher of a plurality of dispatchers, the first packet including a connection request from a client;
creating a client lock on packets received from the client, **the client lock indicating that packets received from the client are to be transmitted to said one dispatcher until a server is selected for the client;** and
broadcasting a dispatch table update from said one dispatcher to all other dispatchers of the plurality of dispatchers, the dispatch table update indicating the client lock.

Claim 68, as amended, recites some limitations similar to those recited in independent claim 35.

Neither Sung or Tsukakoshi, either individually or in combination, disclose the claimed “client lock” (as recited in either claims 32 and 65 and claims 35 and 68). As the combination of Sung and Tsukakoshi fails to disclose at least the above-noted limitations, each of independent claims 32, 35, 65, and 68 is patentable in view of these references. Also, if an independent claim is nonobvious, then any claim depending from the independent claim is also nonobvious. M.P.E.P. §2143.03 (citing *In re Fine*, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988)). Therefore, claims 33-34, 36-38, 66-67, and 69-71 are allowable as depending from nonobvious, independent claims 32, 35, 65, and 68, respectively.

Claims 44 and 77

For the reasons set forth above, claims 44 and 77 are allowable as depending from independent claims 39 and 72, respectively.

Obviousness Rejection Based on United States Patent 6,226,684 to Sung et al.

Claims 3, 4, 6-8, 11, 12, 23-25, 43, 45, 56-58, 76, and 78 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sung. Claims 3, 4, 23-25, and 56-58 were canceled herein; however, Applicant respectfully traverses this rejection with respect to claims 6-8, 11, 12, 43, 45, 76, and 78, as set forth below.

Claims 6-8, 11, and 12

For the reasons set forth above, Sung fails to disclose all limitations of independent claim 5 and, therefore, claim 5 is patentable in view of Sung. If an independent claim is nonobvious, then any claim depending from the independent claim is also nonobvious. M.P.E.P. §2143.03 (citing *In re Fine*, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988)). Therefore, claims 6-8, 11, and 12 are allowable as depending from nonobvious independent claim 5.

Claims 43, 45, 76, and 78

For the reasons set forth above, Sung fails to disclose all limitations of independent claims 39 and 72. Also, Tsukakoshi, either individually or in combination with Sung, fails to disclose all limitations of claims 39 and 72. If an independent claim is nonobvious, then any claim depending from the independent claim is also nonobvious.

M.P.E.P. §2143.03 (citing *In re Fine*, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988)). Therefore, claims 43 and 45 are allowable as depending from nonobvious independent claim 39, and claims 76 and 78 are allowable as depending from nonobvious independent claim 72.

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CONCLUSION

Applicant submits that claims 5-12, 32-45, and 65-78 are in condition for allowance and respectfully requests allowance of such claims.

Please charge any shortages and credit any overages to Deposit Account No. 02-2666.

Respectfully submitted,

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